

OPINION 1361

LARENTIA CAPITATA HERRICH-SCHÄFFER, 1839, GIVEN
NOMENCLATRURAL PRECEDENCE OVER PHALAENA
POSTICATA FABRICIUS, 1794 (INSECTA, LEPIDOPTERA)

RULING. — (1) Under the plenary powers, it is hereby ruled that the specific name *capitata* Herrich-Schäffer, 1839, as published in the binomen *Larentia capitata*, is to be given nomenclatural precedence over the specific name *posticata* Fabricius, 1794, as published in the binomen *Phalaena posticata*, whenever the two names are considered synonyms.

(2) The specific name *capitata* Herrich-Schäffer, 1839, as published in the binomen *Larentia capitata*, is hereby placed on the Official List of Specific Names in Zoology with the Name Number 3033 and with an endorsement that it is to be given nomenclatural precedence over *posticata* Fabricius, 1794, as published in the binomen *Phalaena posticata*, whenever the two names are considered synonyms.

(3) The specific name *posticata* Fabricius, 1794, as published in the binomen *Phalaena posticata*, is hereby placed on the Official List of Specific Names in Zoology with the Name Number 3034 and with an endorsement that it is not to be given priority over *capitata* Herrich-Schäffer, 1839, as published in the binomen *Larentia capitata*, whenever the two names are considered synonyms.

HISTORY OF THE CASE Z.N.(S.)2367

An application for the use of the relative precedence procedure to conserve the specific name *Larentia capitata* Herrich-Schäffer, 1839 was first received from Dr K. Mikkola (*University of Helsinki, Finland*) on 1 December 1980 (see also Opinion 1362). After some correspondence a revised draft was sent to the printer on 30 November 1982 and published on 15 July 1983 in *Bull. zool. Nom.*, vol. 40, pp. 102–105. Public notice of the possible use of the plenary powers in the case was given in the same part of the *Bulletin* as well as to the statutory serials, to seven general and nine entomological serials. No comment was received.

DECISION OF THE COMMISSION

On 15 April 1985 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1985)28 for or against the proposals set out in *Bull. zool. Nom.* vol. 40, pp. 103–104, (1)a, (2)a and (2)b. At the close of the voting period on 15 July 1985 the state of the voting was as follows:

Affirmative Votes — twenty-two (22) received in the following order: Melville, Cocks, Holthuis, Halvorsen, Binder, Savage, Trjapitzin,

Mroczkowski, Corliss, Lehtinen, Alvarado, Willink, Hahn, Schuster, Gruchy, Uéno, Brinck, Dupuis, Kraus, Bayer, Heppell, Bernardi

Negative Votes — one (1) Ride.

Late affirmative votes were returned by Cogger and Starobogatov.

The following comments were returned by members of the Commission with their voting papers:

Dupuis: '[I vote for] sous réserve de l'exhaustivité bibliographique et de l'exactitude taxonomique de la requête.'

Ride: 'The author establishes a prima facie case that stability and universality would be upset by the use of the senior synonym but makes no case for the use of the plenary powers to reverse precedence. The application must fail. The Commission can only use the plenary powers when there is a demonstration that there is a threat to stability or universality or that confusion is likely to result.'

ORIGINAL REFERENCES

The following are the original references to the names placed on an Official List by the ruling given in the present Opinion:

capitata, *Larentia*, Herrich-Schäffer, 1839, *Deutschlands Insekten*, Heft 165, pl. 3

posticata, *Phalaena*, Fabricius, 1794, *Entomologia systematica*, vol. 3(2), p. 196.

CERTIFICATE

I hereby certify that the votes cast on Voting Paper (85)28 were cast as set out above, that the proposals contained in that voting paper have been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1361.

R. V. MELVILLE

Secretary

International Commission on Zoological Nomenclature

London

7 August 1985